SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. (S) No. 861 / 2007

PETITIONER

Smt. Sunita Gautam (Now Kashyap) W/o. Shri Panchram Kashyap, aged about 37 years, Assistant Teacher, Govt. Boys Primary School– Naila, Block – Nawagarh (Janjgir) Distt. – Janjgir Champa (C.G.)

P.R. No. 1048/07
Presented by Shri B.S. Rajput
dated 6/2/07

VERSUS

RESPONDENTS :

1. State of Chhattisgrh, Through – The Secretary, Department of Education D.K.S. Bhawan, Raipur (C.G.)
2. Director Public Instruction Chhattisgarh Govt. Raipur
3. District Education Officer, Distt. – Janjgir-Champa (C.G.)

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APARNA MALVIYA
CG-2073/96

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 861 of 2007

Petitioner : Smt. Sunita Gautam (Now Kashyap)

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Anil Singh Rajput, Advocate for the petitioner.

Mr. Satish Gupta, Dy. Govt. Advocate for the State/respondents.

O R D E R

(Passed on this 13th Day of February, 2007)

1. The petitioner was appointed vide order dated 26.2.89 (Annexure P/1) as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of one year probation, she was granted regular pay scale of Rs. 975-25-1000-30-1210-40-1450-50-1650/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of

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the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu